


DATE: October 14, 2011

TO: Barbara Ross, Deputy Director   
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0069  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Joan Y. Kim  
Location: 625 Slaters Lane  
Zone: OCM(50) / Office Commercial Medium

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**Request**

Special Use Permit #2011-0069 is a request to change ownership of an existing restaurant from Sung Eun Kim to Joan Y. Kim. No changes to the operation are proposed and the business will continue to function as a restaurant/deli under the trade name of Towngate Café.

**Background**

City Council first granted Special Use Permit approval for a restaurant in this space on the ground level of this four-story office building in 1987 (SUP#1966). An amendment to the SUP was approved in 1990. Staff administratively approved several changes of ownership over the past 20 years, including another one for the current applicant, who previously operated the business between 2000 and 2006. The most recent change of ownership was approved in March 2008 (SUP#2008-0004.)

On October 11, 2011, staff visited the subject property and found no violations of the conditions of Special Use Permit #2008-0004. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the North Old Town Independent Citizens Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.


**Staff Action**

Staff does not object to the change of ownership and hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: October 18, 2011

Action: Approved

  
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Barbara Ross, Deputy Director

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2011-0069**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP 1966A)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 48 patrons inside year round, and seating outside for 20 patrons ~~from April through September.~~ (P&Z) (SUP 1966A)
3. The hours during which the restaurant is open to the public shall be restricted to between 7:00 A.M. to 4:00 P.M., Monday through Friday and between 11:00 A.M. to 4:00 P.M., Saturday and Sunday, as requested by the applicant. (P&Z) (SUP 1966A)
4. No food, beverages, or other material be stored outside. (P&Z) (SUP 1966A)
5. The restaurant shall provide a bag compactor inside of building and shall not use an eight yard container unless it is within the garage. (T&ES) (PC) (SUP 1966)
6. **CONDITION DELETED BY STAFF:** ~~Trash and garbage be collected daily when the business is open.~~ (P&Z) (SUP 1966)
7. No music or loud speakers shall be located in the outside dining areas. (PC) (SUP 1966)
8. When outside dining facilities are provided: (a) litter shall be picked up as it is generated, and (b) the outside dining area shall be scrubbed and washed down at the close of each day of operation. (PC) (SUP 1966)
9. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP 1966A)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP99-0138)
11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP99-0138)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)(SUP99-0138)

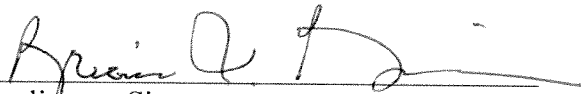
13. No amplified sound shall be audible at the property line. (P&Z) (SUP99-0138)
14. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z) (SUP99-0138)
15. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Health. (T&ES)(SUP99-0138)
16. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police) (SUP99-0138)
17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(SUP2005-0129)
18. No live entertainment shall be provided at the restaurant. (P&Z)(SUP2005-0129)
19. The applicant shall require its employees who drive to work to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (SUP2008-0004)
20. No alcohol service shall be permitted. (P&Z) (SUP2005-0129)
21. **CONDITION AMENDED BY STAFF:** ~~For indoor patrons,~~ meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcohol may be served, and all patrons must leave one hour after the closing hour. (P&Z) (SUP2005-0129)
22. **CONDITION DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Streetscape Beautification Fund within 60 days of approval for the installation of litter receptacles along the public right of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). (T&ES) (SUP 2006-0091)~~
23. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP 2006-0091)
24. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the~~

~~satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 x132. (T&ES) (SUP#2008-0004)~~

25. **CONDITION ADDED BY STAFF:** Delivery of food to customers shall be prohibited from the restaurant. (P&Z)
26. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
27. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2011-0069. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 625 Slaters Lane.

  
Applicant - Signature

10/27/11  
Date

Brian Kim  
Applicant - Printed

10/27/11  
Date